

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VIKING TECHNOLOGIES, LLC,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	CIVIL ACTION NO. 2:20-CV-00357-JRG
	§	(LEAD CASE)
ASSURANT, INC., ET AL.	§	
	§	
	§	
CLOVER TECHNOLOGIES GROUP, LLC,	§	CIVIL ACTION NO. 2:20-CV-00359-JRG
ET AL.	§	(MEMBER CASE)
	§	
<i>Defendants.</i>	§	

ORDER

The Court issues this Order *sua sponte*. On June 15, 2021, the Court conducted a status conference in the above-captioned matter. At the status conference, it was discovered that Plaintiff Viking Technologies, LLC (“Viking”) filed a First Amended Complaint for Patent Infringement dated January 14, 2021 (“January 14 Complaint”) (Dkt. No. 24) in the Lead Case, No. 2:20-cv-357 (“Lead Case”) without any indication that it was intended for Member Case 2:20-cv-359 (“-359 case”). The January 14 Complaint bears only the cause number for the Lead Case. (*Id.*). The intended effect of Viking’s Amended Complaint was to join Defendants Valu Tech Outsourcing, LLC, Teleplan Service Logistics, Inc., and Teleplan Services Texas, Inc. to the -359 case.¹ The unintended but actual effect, however, was to join them to the Lead Case. At the status conference, the parties expressed agreement that this was an oversight on Viking’s part. The parties

¹ Defendants Valu Tech Outsourcing, LLC, Teleplan Service Logistics, Inc., and Teleplan Services Texas, Inc. are all related to the other defendants in the -359 case (Clover Wireless, LLC, Teleplan Holding USA, Inc., and Teleplan Service Solutions Inc.) and are represented by the same counsel. They do not have the same relationship to the other defendants in the Lead Case (Assurant, Inc., Broadtech, LLC, CWork Solutions, LP, The Signal, L.P., Signal GP, LLC, and MMI-CPR, LLC).

further agreed on the record that Defendants Valu Tech Outsourcing, LLC, Teleplan Service Logistics, Inc., and Teleplan Services Texas, Inc. belong in the -359 case.


In view of the foregoing, and pursuant to Fed. R. Civ. P. 21, it is hereby **ORDERED** that Defendants Valu Tech Outsourcing, LLC, Teleplan Service Logistics, Inc., and Teleplan Services Texas, Inc. are **SEVERED** from the Lead Case and **JOINED** as additional defendants in the -359 case. The Clerk of Court is directed to remove these parties as defendants in the Lead Case and add them as defendants in the -359 case to accomplish this result.

It is further **ORDERED** that Viking's January 14 Complaint (Dkt. No. 24) is **STRUCK** from the Lead Case. The Court will consider Viking's First Amended Complaint for Patent Infringement dated January 15, 2021 ("January 15 Complaint") (Dkt. No. 30) against Broadtech, LLC, CWork Solutions, LP, The Signal, L.P., Signal GP, LLC, and MMI-CPR, LLC to be the operative pleading as to defendants in the Lead Case.

It is further **ORDERED** that Viking shall re-file the January 14 Complaint in the Lead Case bearing the consolidated caption, including the -359 case caption, on or before **Monday, June 21, 2021**. The Court will then consider the re-filed complaint to be the operative pleading as to defendants in the -359 case as of January 14, 2021.

The Court reminds the parties that while all matters going forward should be filed in the Lead Case, they should include the caption of any member case affected by such filings, so as to avoid this unintended result in the future.

So ORDERED and SIGNED this 18th day of June, 2021.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE